

FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

MYRON MCCRARY,	:	
	:	
<b>Petitioner,</b>	:	
	:	No. 5:10-CR-00026 (CAR)
v.	:	No. 5:12-CV-90120 (CAR)
	:	
UNITED STATES OF AMERICA,	:	
	:	
<b>Respondent.</b>	:	
_____	:	

**ORDER ON RECOMMENDATION**

Before the Court is the Recommendation of the United States Magistrate Judge [Doc. 138] to grant Petitioner Myron McCrary's Motions to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 [Docs. 109 & 133]. No objection was filed, and having considered the Recommendation, the Court agrees with the findings and conclusions of the United States Magistrate Judge. Therefore, the Recommendation of the United States Magistrate Judge [Doc. 138] is hereby **ADOPTED** and **MADE THE ORDER OF THE COURT**. Petitioner is entitled to be resentenced in accordance with Fair Sentencing Act of 2010 ("FSA") in light of the Supreme Court's recent decision in *Dorsey v. United States*, 132 S. Ct. 2321 (2012).

Accordingly, Petitioner's Motions to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 [Docs. 109 & 133] are **GRANTED**, and Petitioner's existing sentence is **VACATED**. The Probation Office is **HEREBY DIRECTED** to prepare a new

Presentence Investigation Report ("PSI") in accordance with the FSA's revised guidelines. Upon receipt of the completed PSI, the Court will promptly set a hearing date for Petitioner to be resentenced by Judge Hugh Lawson, the original sentencing judge. Petitioner shall remain in the custody of the Federal Bureau of Prisons (and/or the United States Marshals Service) pending his resentencing hearing, when the Clerk of Court will writ the Petitioner back to the Middle District of Georgia.

**SO ORDERED**, this 17th day of June, 2013.

S/ C. Ashley Royal

C. ASHLEY ROYAL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

SSH